mpt IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 3861 OF 2007

Sunil A. Pagade & Anr. .. Applicants

versus

State of Maharashtra .. Respondent

...

Mr.K.S. Patil for the applicant.

Mr.D.P. Adsule APP for the State.

CORAM : D.G.KARNIK, J

DATED : 07th December 2007

P.C.:

1. Heard learned counsel for the applicants and learned APP for the State.

2. By this application under section 438, the applicants are seeking anticipatory bail in respect of a crime registered against them under C.R. No.395/07 for alleged offences punishable under section 326, 324, 452, 427, 504, 506 r/w sec.34 of the IPC. The applicants and the complainant are

siblings being the sons of Anant. Cross complaints have been filed about the incident which took place on 11th October 2007. The complaint filed by the present applicants against the complainant is registered as C.R. no.394 of 2007 for offences punishable u/s.324, 504, r/w sec.34 of the IPC. While the complaint filed by the complainant against the applicant is registered as C.R.No.395 of 2007. A copy of the injury certificate dated 11th October 2007 regarding alleged injuries suffered by the complainant is handed over to my by the learned counsel for the applicants. The same is taken on record and marked "X" for identification. Learned APP also refers to and relies upon the said injury certificate. In column no.7, medical officers has mentioned three simple injuries and in respect of the other two injuries, he has not mentioned anything about their nature. However the description of the injury in the medical certificate does not show that they were grievous hurt. The injuries prima facie, appear to be simple in nature.

3. Taking into consideration that there are cross complaints and there is no prima facie evidence of grievous hurt in my view, the applicants are entitled to anticipatory bail. In the circumstances, I pass the following order :-

O R D E R

. In the event of arrest of the applicant or any of them in connection with C.R. No.395/07, the applicants shall be released on bail on personal bond of Rs.25,000/- with one local surety in the like amount subject to the following conditions:-

i) The applicants shall not make any inducement or threats to any of the prosecution witnesses and shall not in any manner tamper with the prosecution witnesses.

ii) The applicants shall co-operate with the investigation and shall attend the police station as and when summoned by the police.

. This order shall come to an end on a charge-sheet being filed against the applicants and thereafter they may apply to the regular court for regular bail.

(D.G. KARNIK, J)